



VOSH PROGRAM DIRECTIVE: 12-801A

ISSUED: June 15, 1995

SUBJECT: Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment, 1915.11 through 1915.16; and Corrections

A. Purpose

This directive transmits to field personnel the above-referenced standard (CHANGE I) and the corrections to §§1915.12, 1915.14 and 1915.15 (CHANGE II).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope

This directive applies to all VOSH personnel, and specifically to Occupational Health Enforcement and Consultation Services personnel.

C. References

CHANGE I: 59 Fed. Reg. 37816 (July 25, 1994).

CHANGE II: 60 Fed. Reg. 14218 (March 16, 1995).

D. Cancellation

VOSH Program Directive 12-801 (April 1, 1995).

E. Action

The Deputy Commissioner, directors and supervisors shall assure that field personnel and employers understand and comply with the provisions of this standard.

F. Effective Dates

CHANGE I: June 1, 1995

CHANGE II: July 1, 1995

G. Expiration Date

Not Applicable.

H. Background

CHANGE I: The previous subpart B of part 1915, Explosive and Other Dangerous Atmospheres, §§ 1915.11 through 1915.16, set out requirements for work in explosive and other dangerous atmospheres in vessels and vessel sections and applied to shipbuilding, ship repairing, and shipbreaking operations and to related employment. This revised subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres, Shipyard Employment, extended the protection afforded by the previous subpart B to employees entering any confined or enclosed space or working in any other dangerous atmosphere in or out of a shipyard.

On July 25, 1994, federal OSHA published a single revised standard, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment, subpart B, §§1915.11 through 1915.16. This revised standard was a result of the promulgation of federal OSHA's final rule for Permit-Required Confined Spaces, §1910.146, which omitted shipyards from its scope (58 Fed. Reg. 4462, Jan. 14, 1993).

On December 19, 1994, the Safety and Health Codes Board adopted the revised subpart B, with an effective date of June 1, 1995.

CHANGE II: When OSHA published the final rule on July 25, 1994 (59 Fed. Reg. 37816), it explained in §1915.12 how the section was being reformatted to address the order of atmospheric testing to be conducted when determining hazards within confined and enclosed spaces and other dangerous atmospheres prior to entry (59 Fed. Reg. 37830). Although OSHA stated explicitly in the preamble to paragraphs (a), (b) and (c) of §1915.12 that atmospheres must be tested for oxygen content first, flammability second, and toxicity third (59 Fed. Reg. 37831), the section heading did not include the sequence of testing, and the specific introductory statement requiring atmospheric testing to be conducted in the proper sequence was inadvertently omitted from the regulatory text.

In the previous standard covering entry into spaces containing flammable atmospheres, §1915.12(d), employees were allowed to perform work of brief duration in atmospheres containing concentrations of flammable contaminants as long as the concentrations remained above the upper explosive limit (UEL) and the requirements of §1915.152 (a) and (b), Respiratory protection, were followed. In the final standard which permits such entry only to set up ventilation or for rescue, federal OSHA carried over the condition that the flammable contaminant(s) be maintained above the UEL (59 Fed. Reg. 37858). Unfortunately, the wording of this condition could be construed to require that levels of atmospheric contaminants in a space actually be increased to a level above the UEL prior to ventilation start-up or rescue so that they may be maintained above the UEL.

On April 17, 1995, the Safety and Health Codes Board adopted these corrections, with an effective date of July 1, 1995.

I. Summary

CHANGE I: On July 25, 1994, federal OSHA published a single revised standard, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment, subpart B, §§1915.11 through 1915.16. Among other things, this revision required shipyard employers to label confined spaces that are deemed unsafe and unsuitable for workers. High oxygen levels or flammable atmospheres were also required to be labeled to prevent workers from inadvertently igniting those atmospheres.

New elements in revised subpart B included training, duty to employers (contractors), and rescue. Other additions in subpart B reduced risks in confined and enclosed spaces and other dangerous atmospheres work, including: specifying the order of testing of atmospheres, increasing the required oxygen content from 16.5 percent to 19.5 percent by volume, and restricting oxygen content of spaces for hot work to 22 percent by volume.

CHANGE II: On March 16, 1995, OSHA published in the Federal Register corrections to the revised standard for Confined and Enclosed Spaces and Other Dangerous Atmospheres, Shipyard Employment, subpart B of 29 CFR part 1915 (60 Fed. Reg. 14218).

Corrections to the final rule are as follows:

- ***§1915.12--Precautions Before Entering Confined and Enclosed Spaces and Other Dangerous Atmospheres*** clarifies the order of testing before employees may enter a confined or enclosed space or other dangerous atmosphere. As a result of the correction, before shipyard workers can enter a confined/enclosed space or other dangerous area, atmospheric tests must be done in the following order: first, oxygen content, then flammability, then toxicity;
- ***§1915.12(b)--Flammable Atmospheres*** clarifies when flammable atmospheres must be maintained above the upper explosive limit during installation of ventilation or rescue. As a result of the correction, only flammable atmospheres that are at or exceed the upper explosive limit (UEL) need to be kept at those levels. As originally published, the standard implied that employers had to raise levels of air contaminants above the UEL before workers could enter. (Employees may only enter flammable atmospheres when it is necessary to set up ventilation or rescue people in emergencies. In these cases, the employer must follow other OSHA requirements for working in dangerous atmospheres.)
- ***§1915.14--Hot Work***, clarifying the limited locations and conditions where hot work may be performed without first being certified by a Marine Chemist; and
- ***§1915.15(e)--Tests to maintain a competent person's findings*** clarifies a visual inspection as part of the testing to maintain a competent person's findings. A marine chemist must test and certify the atmosphere before workers can do hot work on tank vessels. Moreover, even for other hot work spaces that do not need to be certified by a marine chemist, a competent person must still visually inspect the space and test the atmosphere.

Minor typographical errors were also corrected in §1915.12(d)(3)(ii) and (e)(1)(iii).

Theron J. Bell
Commissioner

E-Attachments: 59 Fed. Reg. 37816 (July 25, 1994)
[http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER
&p_id=13398&p_text_version=FALSE](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13398&p_text_version=FALSE)

60 Fed. Reg. 14218 (March 16, 1995)
[https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER
&p_id=13457](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13457)

Distribution: Commissioner of Labor and Industry
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OSHA Regional Administrator, Region III

Confined and Enclosed Spaces and Other Dangerous
Atmospheres, Shipyard Employment, §§1915.11 - 1915.16

As adopted by the
Safety and Health Codes Board

Date: December 19, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: June 1, 1995

Confined and Enclosed Spaces and Other Dangerous
Atmospheres, Shipyard Employment, §§1915.11 - 1915.16

VR 425-02-184

When the regulations, as set forth in the amended standard for Confined and Enclosed Spaces and Other Dangerous Atmospheres, Shipyard Employment, §§1915.11 - 1915.16, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

October 24, 1994

June 1, 1995

Confined and Enclosed Spaces and Other Dangerous Atmospheres,
Shipyard Employment, §§1915.11 through 1915.16;
Corrections

As Adopted by the

Safety and Health Codes Board

Date: April 17, 1995



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: July 1, 1995

Confined and Enclosed Spaces and Other Dangerous Atmospheres,
Shipyard Employment

VR 425-02-184

When the regulations, as set forth in the corrections to the standard for Confined and Enclosed Spaces and Other Dangerous Atmospheres, Shipyard Employment, §§1915.11 through 1915.16, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

March 16, 1995

July 1, 1995